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17	Actioneys for Defendant Front West	
18	IN THE UNITED STAT	
19	FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION	
20		Case No. 5:09-cv-01303-JF-HRL
21	C&C JEWELRY MANUFACTURING, INC., a California corporation,	
22	Plaintiff and Counter-	JOINT STIPULATION AND [PROPOSED] ORDER EXTENDING (1) DEADLINE
23	Defendant,	FOR C&C JEWELRY MANUFACTURING, INC. TO RESPOND
24	v.	TO TRENT WEST'S MOTION FOR SUMMARY JUDGMENT OF
25	TRENT WEST,	INFRINGEMENT, AND TRENT WEST'S MOTION FOR PRESUMPTION AND
26	Defendant and Counter- Claimant.	BURDEN SHIFTING AND (2) DEADLINE FOR PARTIES TO FILE DISPOSITIVE MOTIONS
27		
20		Judge: Honorable Jeremy Fogel

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1 Plaintiff C&C Jewelry Mfg., Inc. ("C&C") and Defendant Trent West ("West"), by and 2 through their undersigned counsel of record, have agreed and stipulate under Civil L.R. 6-2(a) to 3 extend (1) C&C's deadline to respond to West's motion for summary judgment of infringement 4 and motion for presumption and burden shifting, both filed on June 17, 2011 (collectively the 5 "Motions") and (2) the deadline to file dispositive motions. 6 Pursuant to Civil L.R. 7-3(a), C&C's deadline to respond to the Motions is currently July 7 1, 2011, which is the same day as the current deadline by which the parties are required to file 8 dispositive motions. C&C and West enter into this stipulation to extend the time for C&C to file 9 its responses to the Motions by one week to July 8, 2011. Given that the hearing has been 10 noticed for July 29, 2011, the stipulated schedule would complete briefing on these motions two-11 weeks prior to the hearing. 12 The parties also enter into this stipulation to extend the time that C&C and West have to file dispositive motions by one week to July 8, 2011. 13 14 The Declaration of Eric C. Wood, which is filed herewith, provides the Court with the 15 information required under Civil L.R. 6-2(a). 16 Accordingly, C&C and West respectfully request that the Court issue an Order, for good 17 cause shown, extending C&C's deadline to respond to the Motions and the parties' deadline to 18 file dispositive motions as requested above. 19 Respectfully stipulated to by: 20 SCHEEF & STONE, LLP KING & KELLEHER, LLP 21 22 By: /s/ Edward Vincent King By: /s/ Eric C. Wood 23 Eric C. Wood **Edward Vincent King** 24 Attorneys for Plaintiff C&C Jewelry Mfg., Attorneys for Defendant Trent West Inc. 25 26 Date: June 28, 2011 Date: June 28, 2011 27

- 2 -

1	FILER'S ATTESTATION	
2	Pursuant to General Order No. 45, Section X (B) regarding signatures, I, John Fischer	
3	attest that concurrence in the filing of this document has been obtained.	
4	SCHEEF & STONE, LLP	
5		
6	By: /s/ John G. Fischer	
7	John G. Fischer	
8	Attorneys for Plaintiff C&C Jewelry Mfg., Inc.	
9		
10	PURSUANT TO STIPULATION, IT IS SO ORDERED.	
11		
12	DATED:	
13	Smb (
14	Hon. Jeremy Fogel	
15	United States District Judge	
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17	Attorneys for Defendant Trent West	
18	IN THE UNITED STATI	ES DISTRICT COURT
19	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
20	SAN JOSE I	
21	C&C JEWELRY MANUFACTURING, INC., a California corporation,	Case No. 5:09-cv-01303-JF-HRL
22	Plaintiff and Counter-	DECLARATION OF ERIC C. WOOD IN SUPPORT OF JOINT STIPULATION
23	Defendant,	EXTENDING (1) DEADLINE FOR C&C JEWELRY MANUFACTURING, INC. TO
	V.	RESPOND TO TRENT WEST'S MOTION FOR SUMMARY JUDGMENT OF
24	TRENT WEST,	INFRINGEMENT, AND TRENT WEST'S
25	Defendant and Counter-	MOTION FOR PRESUMPTION AND BURDEN SHIFTING AND (2) DEADLINE
26	Claimant.	FOR PARTIES TO FILE DISPOSITIVE MOTIONS
27		Judge: Honorable Jeremy Fogel
20		1

I, Eric C. Wood, declare:

- 1. I am an attorney with Scheef & Stone, LLP, counsel for Plaintiff C&C Jewelry Mfg., Inc. ("C&C") in this action. I make this declaration on personal knowledge and am competent to testify regarding the facts stated herein. This declaration is submitted pursuant to Civil L.R. 6-2(a).
- 2. In the Stipulation filed herewith, C&C and Defendant Trent West ("West") have requested that the Court extend the deadline for C&C to respond to West's motion for summary judgment of infringement and motion for presumption and burden shifting (collectively the "Motions") by one week to July 8, 2011. West filed the Motions on Friday, June 17, 2011. C&C's response is therefore currently due on July 1, 2011 pursuant to the Local Rules of this Court.
- 3. In the Stipulation filed herewith, C&C and Defendant Trent West ("West") also have requested that the Court extend the deadline for filing dispositive motions by one week to July 8, 2011. The parties' motions were previously due on July 1, 2011.
- 4. Expert reports in this case were due and were served by the parties on May 20, 2011. Expert rebuttal reports in this case were due and were served by the parties on June 10, 2011. The deadline to conduct all expert discovery (including depositions) is July 1, 2011.
- 5. On the Tuesday immediately following the filing of the Motions, the parties began taking the depositions of the experts who had provided reports in this case in advance of the July 1 expert discovery cutoff. Through the last two weeks of June, the parties will have taken approximately eight expert depositions all across the United States (in San Francisco, Chicago and New York) up until and including July 1, 2011. It will therefore be very difficult, given this hectic expert deposition schedule, for the parties to complete their motions for summary judgment and for C&C to prepare responses to the Motions by July 1, 2011.
- 6. Therefore, C&C and West have agreed, and so stipulate, that C&C's deadline to respond to the Motions and the parties' deadline to file dispositive motions shall be extended by one week to July 8, 2011.

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1	7. The Court has previously modified time in this case as follows: (1) deadline to
2	serve invalidity contentions under Patent L.R. 3-3 extended from November 12, 2009 to
3	November 19, 2009 (Dkt. No. 31); (2) deadline to file joint claim construction and prehearing
4	statement under Patent L.R. 4-3 extended from January 11, 2010 to February 1, 2010 (Dkt. No
5	48); (3) deadline to complete ADR (mediation) extended from May 21, 2010 to July 30, 2010
6	(Dkt. No. 79); (4) hearing date on C&C's motion for leave to conduct additional depositions
7	shortened to December 14, 2010 (Dkt. No. 123); and (5) hearing date on C&C's motion for leave
8	to amend invalidity contentions moved to February 25, 2011 (Dkt. No. 160).
9	8. The requested extension will have no adverse scheduling impact on the parties
10	ability to comply with the other ordered deadlines in the Case Management Schedule in this
11	matter.
12	I declare under penalty of perjury pursuant to the laws of the United States of America
13	that the foregoing is true and correct.
14	Executed on June 28, 2011.
15	

By: <u>/s/ Eric C. Wood</u> Eric C. Wood